

1 THE HONORABLE JOHN C. COUGHENOUR
2
3
4
5
6

7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 JASON W. SADLER,

14 Defendant.

CASE NO. CR23-0113-JCC

ORDER

15 This matter comes before the Court on Defendant's motion for review of a detention
16 order (Dkt. No. 36). Having thoroughly considered the briefing and the relevant record, the Court
17 DENIES the motion for the reasons explained herein.

18 Defendant was indicted for Possession of Controlled Substances with Intent to Distribute
19 (Count 1) and Possession of Contraband in Prison (Count 2). (Dkt. Nos. 1, 3.) Upon his
20 arraignment, the Government moved for pretrial detention, citing Defendant's risk of
21 nonappearance and the danger he presented to the community. (Dkt. No. 11 at 1-2.) The
22 Honorable S. Kate Vaughan, United States Magistrate Judge, ordered that Defendant be detained
23 pending trial. (Dkt. No. 16.)¹ At the time, Judge Vaughan found that Defendant failed to

24
25 ¹ Nevertheless, some 160 days later, Defendant was inadvertently released after completing a
26 separate sentence on a supervised release violation, as ordered by the Honorable James L.
Robart, Senior United States District Judge. (Dkt. No. 35 at 2.)

1 overcome the rebuttable presumption that no condition or combination of conditions would
 2 reasonably assure the safety of any other person in the community, given the Government's
 3 presentation of probable cause to believe that Defendant committed a drug offense with a
 4 maximum sentence of ten years or more. (Dkt. No. 16 at 2.) Defendant has since entered a guilty
 5 plea to Count 2 of the Indictment. (Dkt. Nos. 27, 30.) Sentencing is set for July 30, 2024. (Dkt.
 6 No. 27.)

7 Nevertheless, Defendant filed a motion to reopen his detention hearing, on the grounds
 8 that he was admitted into a long-term drug treatment program. (Dkt. No. 31.) Judge Vaughan
 9 denied the motion, citing Defendant's "repeated decisions to abscond from Court supervision,"
 10 his most recent conduct, and his criminal history. (Dkt. No. 35 at 3–4.) Accordingly, Judge
 11 Vaughan concluded Defendant could not meet his burden "of showing by clear and convincing
 12 evidence that he is not likely to flee or pose a danger to the safety of any other person or the
 13 community if released." (*Id.*) Defendant now seeks review² of Judge Vaughan's finding. (See
 14 generally Dkt. No. 36.) For the reasons described below, this Court affirms Judge Vaughan's
 15 finding.

16 Where, as here, there is probable cause to believe that the defendant has committed an
 17 offense for which a maximum term of imprisonment of ten years or more is prescribed, there is a
 18 rebuttable presumption that "no condition or combination of conditions will reasonably assure
 19 the appearance of the person as required and the safety of the community." *United States v. Hir*,
 20 517 F.3d 1081, 1086 (9th Cir. 2008) (quoting 18 U.S.C. § 3142(e)). Although the presumption
 21 shifts the burden of production to a defendant, the burden of persuasion remains with the
 22 Government. *See Hir*, 517 F.3d at 1086. A finding that the defendant is a danger to any other
 23

24 ² This Court's review of that finding is *de novo* and allows for the introduction of new evidence.
 25 *See* 18 U.S.C. § 3145(b); *see United States v. Koenig*, 912 F.2d 1190, 1192–93 (9th Cir. 1990)
 26 ("If a person is ordered detained by a magistrate judge . . . the person may file, with the court
 having original jurisdiction over the offense, a motion for revocation or amendment of the
 order.").

1 person or the community must ordinarily be supported by “clear and convincing evidence.” 18
 2 U.S.C. § 3142(f)(2)(B). Whereas the Government may demonstrate a risk of flight by a
 3 preponderance of the evidence. *See United States v. Diaz-Hernandez*, 943 F.3d 1196, 1198 (9th
 4 Cir. 2019).

5 Defendant asks this Court to revoke Judge Vaughan’s detention order, so as to allow him
 6 to enter long-term inpatient treatment, lasting between six and twelve months. (Dkt. No. 36 at 1.)
 7 Defendant maintains that the treatment center’s strict rules and focus on substance use treatment
 8 mitigate his risk of nonappearance and the danger he poses to the community. (*Id.* at 5.) But as
 9 Judge Vaughan pointed out in her initial detention order, Defendant previously absconded from a
 10 residential re-entry center, has had numerous failures to appear, and tried to flee when he was
 11 apprehended on this case. (Dkt. No. 16 at 5.) Defendant’s motion for review did not address what
 12 the Court is to do with this history. (*See generally* Dkt. No. 36.) Nor does it directly address how
 13 he would not pose a threat to the community should he abscond again, particularly in light of his
 14 criminal conduct in this matter and his criminal history more generally. (*See generally id.*) This
 15 includes sneaking extensive amounts of controlled substances into a federal detention center and
 16 numerous violent offenses, which are particularly troubling. (*See* Dkt. Nos. 5 at 4–10, 29 at 5–6.)

17 As did Judge Vaughan, the Court FINDS that no condition or combination of conditions
 18 will reasonably assure Defendant’s appearance and the safety of the community.³ Accordingly,
 19 the Court DENIES Defendant’s motion for review of Judge Vaughan’s detention order (Dkt. No.
 20 36).

21 //

22 //

23 //

24

25 ³ Moreover, it notes that rehabilitation is not a relevant consideration in a pretrial or
 26 presentencing detention determination. *See* 18 U.S.C. § 3143.

1 DATED this 12th day of July 2024.
2
3
4

5 
6

7 John C. Coughenour
8 UNITED STATES DISTRICT JUDGE
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26